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Law Office of Mark J. Spolyar  
*Counselor and Attorney in Intellectual Property and Technology Law Matters*

38 Fountain St.  
San Francisco, CA 94114

mark@spolyar-iplaw.com  
415.826.7966 (v)  
415.480.1780 (f)

FACSIMILE TRANSMISSION

Date: January 3, 2006  
To: United States Patent & Trademark Office  
Fax: 571-273-8300  
From: Mark Spolyar

Number of Pages (including cover sheet): 21

RE: Re-Transmission of Petition for Extension of Time Under 37 CFR  
1.136(a)  
U.S. Serial No. 10/039,992 Filed: December 31, 2001


**PLEASE NOTE THAT THIS IS A RE-TRANSMISSION PURSUANT TO  
EXAMINER REQUEST PER OFFICE COMMUNICATION OF 12/27/2005  
ATTACHED. THE EXTENSION OF TIME FEE HAS ALREADY BEEN PAID.**

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

Facsimile Number: 571-273-8300

Date: January 3, 2006

I hereby certify that this correspondence, and the papers referred to  
herein, are being facsimile transmitted to the United States Patent and  
Trademark Office on the date indicated above.

  
Mark J. Spolyar  
Reg. No. 42164

Papers Included Herewith:

1. Fax Cover Sheet (1 page);
2. PTO Office Communication (2 pages); and
3. Amendment (18 pages).

6533/53843.



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,992	12/31/2001	Michael J. Quinn	004683.P009	8595
30505	7590	12/27/2005		
MARK J. SPOLYAR 38 FOUNTAIN ST. SAN FRANCISCO, CA 94114				
EXAMINER CHACE, CHRISTIAN				
ART UNIT		PAPER NUMBER		
2189				

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

20051222

DATE MAILED:

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Commissioner for Patents

#### NOTICE OF NON-RESPONSIVE AMENDMENT

This Office action has been sent in response to amendment filed 26 October 2005. Unfortunately, it appears there was a fax machine malfunction, rendering missing most of at least what was labeled "page 17" of the submission (hence any responses therein could not be considered). Accordingly, as examiner is unsure how much information may be missing from the submission, and this was a bona fide attempt to respond to the previous Office action, examiner has set a 1-month time period to resubmit the amendment previously submitted, in it's entirety, so examiner may take into account any and all information applicants wish to have presented.

Examiner sincerely apologizes for any inconvenience as a result of this malfunction, and encourages applicants to contact him if there are any questions, comments, or concerns at 571.272.4190.

Christian P. Chace  
Primary Examiner  
Art Unit: 2189